

Group VIII. Claim 20, drawn to methods of treatment comprising administering AG2 polypeptides;

Group IX. Claim 21, drawn to methods of treatment comprising administering antibodies to AG1;

Group X. Claim 21, drawn to methods of treatment comprising administering antibodies to AG2;

Group XI. Claim 22, drawn to methods of producing compositions of AG1;

Group XII. Claim 22, drawn to methods of producing compositions of AG2;

Group XIII. Claims 23-24, drawn to methods of producing antibodies to AG1;

Group XIV. Claims 23 and 25, drawn to methods of producing antibodies to AG2;

Group XV. Claim 26, drawn to methods of detecting AG1 antibodies;

Group XVI. Claim 26, drawn to methods of detecting AG2 antibodies;

Group XVII. Claims 27-28, drawn to methods of detecting AG1; and

Group XVIII. Claims 27 and 29, drawn to methods of detecting AG2.

Applicants hereby elect to prosecute the claims of Group II, claims 1, 3-4, and 6-8, **with traverse**. In particular, applicants believe the above 18-way Restriction Requirement to be unduly burdensome and in error.

Applicants concur that claims directed to aspects of the invention relating to nucleic acids, polypeptides and antibodies, should properly be placed in three separate groups. However, the remaining aspects of the invention should fall within one of these three general groupings. In particular, applicants submit

that the claims of Groups I and II (claims 1-8) all reciting AG1 and AG2 nucleic acid molecules, Groups III, IV, VII, VIII, XI, XII, XVII and XVIII (claims 9-13, 20, 22 and 27-30) all reciting AG1 and AG2 polypeptides, and Groups V, VI, IX, X, XIII, XIV, XV and XVI (claims 14-19, 21, 23-26 and 31) all reciting AG1 and AG2 antibodies, should be examined together. Under this scenario, applicants would propose three groups of claims.

Group I, claims 1-8, reciting nucleic acid molecules;

Group II, claims 9-13, 20, 22 and 27-30, reciting polypeptides; and

Group III, claims 14-19, 21, 23-26 and 31, reciting antibodies.

MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions. (Emphasis added.)

Moreover, the Office should not be imposing restriction between AG1 and AG2, or even a species election between the two antigens. As explained in MPEP §803.02:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions. (Emphasis added.)

Should the Examiner agree with this regrouping, applicants elect the claims of Group I. Should the Examiner decide to impose a species election requirement despite MPEP §803.02, applicants elect the species of AG2. The claims of proposed Group I relating to this species include claims 1, 3, 4, and 6-8. It is to be understood that this election of species is for the purposes of preliminary search and examination only, and that upon allowance of a generic

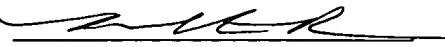
claim, applicants will be entitled to consideration of claims to the additional species.

Applicants submit that regrouping the claims as proposed in either of the two scenarios above, would not impose a serious burden on the Examiner, as the primary defining characteristic of the three general groups are AG nucleic acid molecules, AG polypeptides and AG antibodies, respectively. Indeed, applicants believe that failure to examine the claims as proposed would pose a far greater burden on the Patent and Trademark Office, by requiring a duplication of effort and resources. Additionally, imposing an 18-way Restriction Requirement will cause a considerable expense to applicants. Accordingly, applicants respectfully traverse the above Restriction Requirement and request reconsideration thereof.

Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

Respectfully submitted,

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